



RSA/Rule: Env-Wt 100-900

# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau

Land Resources Management

Check the status of your application: <http://des.nh.gov/onestop>

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

**1. REVIEW TIME:**

Indicate your Review Time below. Refer to Guidance Document A for instructions.

☒ Standard Review (Minimum, Minor or Major Impact)☐ Expedited Review (Minimum Impact only)**2. PROJECT LOCATION:**

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **NH Route 106 0.4 mi North of Seavey Road**TOWN/CITY: **Belmont**

TAX MAP:

BLOCK:

LOT:

UNIT:

USGS TOPO MAP WATERBODY NAME:

☒ NA

STREAM WATERSHED SIZE:

☒ NALOCATION COORDINATES (If known): **N43-28, W71-28**

State Plane

☒ Latitude/Longitude ☐ UTM ☐**3. PROJECT DESCRIPTION:**

Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

**Replace an existing 60 foot long 15" RCP with a 64 foot long 18" RCP and construct new headwalls at inlet and outlet.****4. SHORELINE FRONTAGE**☒ NA This lot has no shoreline frontage.

SHORELINE FRONTAGE:

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

**5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...****Routine Roadway Maintenance Permit for 4 locations in Belmont and 2 locations in Laconia, 2/18/2016****6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**

See the Instructions &amp; Required Attachments document for instructions to complete a &amp; b below.

a. Natural Heritage Bureau File ID: NHB **16** - **0304**b. ☐ Designated River the project is in 1/4 miles of: \_\_\_\_\_; and  
date a copy of the application was sent to Local River Advisory Committee: Month: \_\_\_\_ Day: \_\_\_\_ Year: \_\_\_\_☒ NA[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

[www.des.nh.gov](http://www.des.nh.gov)

**7. APPLICANT INFORMATION (Desired permit holder)**LAST NAME, FIRST NAME, M.I.: **Tobey Reynolds, PE**TRUST / COMPANY NAME: **N/A**MAILING ADDRESS: **7 Hazen Drive / PO Box 483**TOWN/CITY: **Concord**STATE: **NH**ZIP CODE: **03302-0483**EMAIL or FAX: **Bureau16@dot.stste.nh.us**PHONE: **(603) 271-2171**ELECTRONIC COMMUNICATION: By initialing here: **TR**, I hereby authorize DES to communicate all matters relative to this application electronically**8. PROPERTY OWNER INFORMATION (If different than applicant)**

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here \_\_\_\_\_, I hereby authorize DES to communicate all matters relative to this application electronically

**9. AUTHORIZED AGENT INFORMATION**

LAST NAME, FIRST NAME, M.I.:

COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

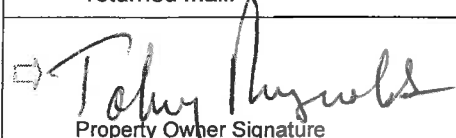
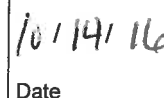
ELECTRONIC COMMUNICATION: By initialing here \_\_\_\_\_, I hereby authorize DES to communicate all matters relative to this application electronically

**10. PROPERTY OWNER SIGNATURE:**

See the Instructions &amp; Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form ([www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review)) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to be reviewed for the presence of historical/ archeological resources.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

  
Property Owner Signature  
Print name legibly  
Date

## MUNICIPAL SIGNATURES

### 11. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

	Print name legibly	Date
--	--------------------	------

#### DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

### 12. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

	Print name legibly	Town/City	Date
--	--------------------	-----------	------

#### DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

#### DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

**13. IMPACT AREA:**

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	3 <input type="checkbox"/> ATF	16 <input type="checkbox"/> ATF
Emergent wetland	71 <input type="checkbox"/> ATF	58 <input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>74 /</b>	<b>74 /</b>

**14. APPLICATION FEE:** See the Instructions & Required Attachments document for further instruction

☐ Minimum Impact Fee: Flat fee of \$ 200

☒ Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 148 X \$0.20 = \$ 29.60

Temporary (seasonal) docking structure: sq. ft. X \$1.00 = \$

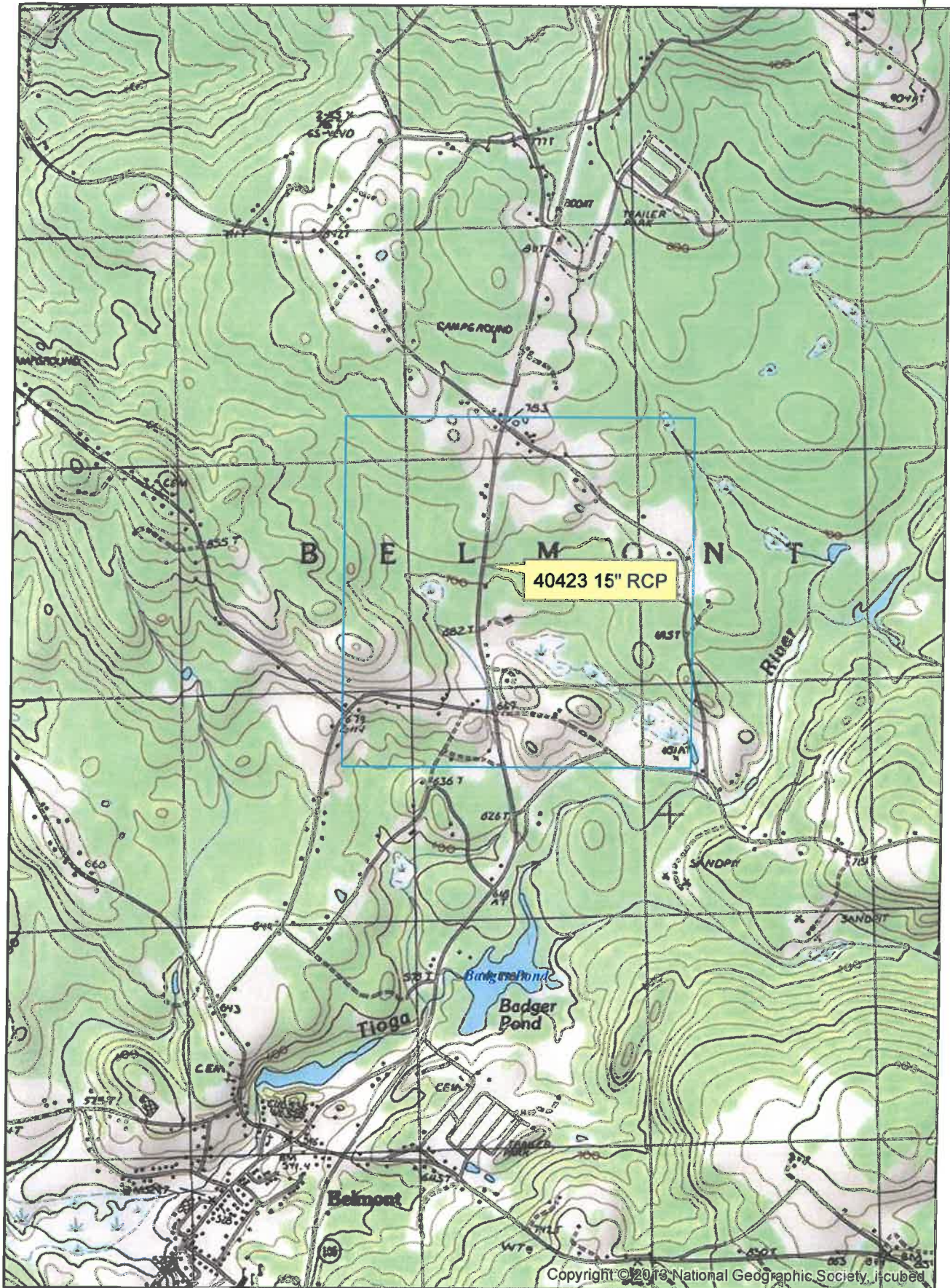
Permanent docking structure: sq. ft. X \$2.00 = \$

Projects proposing shoreline structures (including docks) add \$200 = \$

Total = \$ 29.60

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 200.00

# 40423 Belmont Laconia



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0 0.25 0.5 1 Miles

1:24,000

# 40423 Belmont Laconia



0 0.25 0.5 1 Miles

1:24,000

# WETLANDS PERMIT APPLICATION – ATTACHMENT A MINOR AND MAJOR - 20 QUESTIONS

Water Division/ Wetlands Bureau/ Land Resources Management

Check the Status of your application: <http://des.nh.gov/onestop>



RSA/ Rule: RSA 482-A, Env-Wt 100-900

**Env-Wt 302.04 Requirements for Application Evaluation** - For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction. Respond with statements demonstrating:

1. The need for the proposed impact.

The purpose of the proposed project is to rehabilitate 5.0 miles of NH Route 106 pavement, preserve the pavement on 0.8 miles of US Route 3 (Laconia Bypass) and six ramps, and to rehabilitate Bridge 113/080 (NH Route 106 over the Tioga River), Bridge 132/027 (NH Route 106 over US Route 3), and Bridge 136/027 (US Route 3 over NH Route 107). The project proposes to address deficiencies of NH Route 106 from just north of Perkins Road in Belmont to just south of Grant Street in Laconia and of the Laconia Bypass from around 1000 feet east of the Mile Hill Road intersection to just east of the Growth Road intersection.

The project also proposes guardrail work and drainage rehabilitation. Routine roadway maintenance notifications were utilized to address other pipes that were found to be in need of repair in the project. The pipe referred to in this application was found to be adjacent to a marsh habitat, requiring a Standard Wetland Permit for the proposed work.

Although no old plans were found, the subject pipe was likely installed in the 1930's and should be replaced due to age and condition. The pipe is rusted and has been clogged by debris, likely due to being undersized.

2. That the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

The project proposes the replacement of a 60 foot long 15" RCP that is in poor condition with a 64 foot long pipe with an 18" diameter pipe. A 64' long 18" pipe was determined to be the minimum size and length that meets current standards. Headwalls are proposed at the inlet and outlet to provide stability and to minimize pipe length.

A larger diameter pipe and/or greater pipe length could have been proposed, but would have resulted in greater wetland impacts.

The no-built alternative would require the existing pipe to remain functional until the next rehabilitation project, likely more than 10 years in the future. Since the existing pipe was found to be in poor condition and to have filled with debris, it seems unlikely that the pipe would continue to function for 10 more years. Therefore, the replacement with a slightly longer and larger diameter pipe is considered the least intrusive treatment that will improve the crossing and last until the roadway requires further rehabilitation.

[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

[www.des.nh.gov](http://www.des.nh.gov)

3. The type and classification of the wetlands involved.

To the west of NH 106 is a PEM/SS1E wetland. To the east of NH 106 are both PSS1E and PEM1F, and both lie in the impact area. The wetland to the east is palustrine emergent with some scrub-shrub. On the west side of Route 106 there is a marsh like palustrine emergent wetland and a palustrine scrub-shrub wetland.

4. The relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters.

The wetlands are associated with other nearby wetland systems. A small unnamed intermittent stream is believed to be connected to the wetlands west of Route 106 at the location of the pipe replacement. If the pipe were not clogged, water from the wetland west of Route 106 would travel through the pipe at the crossing to the wetland on the east of the roadway. East of the roadway there are more wetlands and intermittent streams which contribute to a perennial stream that drains into Badger Pond.

5. The rarity of the wetland, surface water, sand dunes, or tidal buffer zone area.

The wetlands that will be impacted by this project are not designated as Prime and are not part of any special or exemplary natural communities as identified by the NH Natural Heritage Bureau. The wetlands are not considered to be rare.

6. The surface area of the wetlands that will be impacted.

**Permanent impacts to wetlands will be 74 sf.**

**Temporary impacts to wetlands will be 74 sf.**

7. The impact on plants, fish and wildlife including, but not limited to:
- a. Rare, special concern species;
  - b. State and federally listed threatened and endangered species;
  - c. Species at the extremities of their ranges;
  - d. Migratory fish and wildlife;
  - e. Exemplary natural communities identified by the DRED-NHB; and
  - f. Vernal pools.

**No impacts to resources referenced in a - f above. The NH Natural Heritage Bureau evaluated the project area and the minor scope of the proposed project and determined that there were no expected impacts to NHB resources. The Official Species list from USFWS included the Small Whorled Pogonia and the Northern Long Eared Bat. There will be no tree clearing associated with replacement of this pipe and so not impacts to Northern Long-Eared Bat habitat are anticipated. USFWS has concurred with the NH DOT assessment that the roadside habitat that will be impacted by the project as proposed is not suitable for the Small Whorled Pogonia. There were no waterways identified in the immediate vicinity of the project that would support fish and no vernal pools were identified.**

8. The impact of the proposed project on public commerce, navigation and recreation.

**Rehabilitation of NH 106 and associated drainage and guardrail improvements are a benefit to public commerce. The proposed pipe replacement will reduce the chances of flooding of the Route 106 roadway by allowing water to move more freely from one side of the road to the other without overtopping the roadway.**

9. The extent to which a project interferes with the aesthetic interests of the general public. For example, where an applicant proposes the construction of a retaining wall on the bank of a lake, the applicant shall be required to indicate the type of material to be used and the effect of the construction of the wall on the view of other users of the lake.

**No impact to aesthetic interests are expected to result from the project. The project as proposed will maintain the current look and feel of the roadway. The proposed project should improve the travelway and make the driving experience more pleasant for travelers. The scope of the project is relatively minor and will not lead to an increase in traffic volume or any other major alterations to the project area.**

10. The extent to which a project interferes with or obstructs public rights of passage or access. For example, where the applicant proposes to construct a dock in a narrow channel, the applicant shall be required to document the extent to which the dock would block or interfere with the passage through this area.

**No impact to public rights of passage or access. The bridge work included in the project is minor in scope and will not change the access to waterways in the area. The proposed pipe replacement will not impact any streams or the use or access to properties.**

11. The impact upon abutting owners pursuant to RSA 482-A: 11, II. For example, if an applicant is proposing to rip-rap a stream, the applicant shall be required to document the effect of such work on upstream and downstream abutting properties.

**No impacts are proposed to abutters. The pipe replacement will allow water to pass more freely from one side of the roadway to the other, which could prevent future flooding and deterioration of the roadway. The characteristics of the wetlands on either side of Route 106 will not be altered by the project as proposed in any significant way. Water is expected to generally move through project areas similarly to the current conditions.**

12. The benefit of a project to the health, safety, and well being of the general public.

**Rehabilitation of NH 106 and associated drainage and guardrail improvements are a benefit to the safety of the general public. By addressing the pavement and drainage at the current time, the project will prevent potentially more expensive future repairs or failures in the area. The drainage improvements are expected to reduce the risk of clogged pipes, which could lead to flooding of the roadway. Also, the guardrail installations will improve the safety of the traveling public. Therefore, the project is expected to be a benefit to the public.**

13. The impact of a proposed project on quantity or quality of surface and ground water. For example, where an applicant proposes to fill wetlands the applicant shall be required to document the impact of the proposed fill on the amount of drainage entering the site versus the amount of drainage exiting the site and the difference in the quality of water entering and exiting the site.

**There will be no impact to water quality, and no change to existing drainage patterns as a result of this pipe replacement. The appropriate best management practices and erosion control will be instituted to protect water quality throughout the project area. Since the general drainage patterns are being maintained, there should not be any significant alteration to surface or groundwater.**

14. The potential of a proposed project to cause or increase flooding, erosion, or sedimentation.

**Replacement of the existing 15" pipe with an 18" pipe will reduce the potential for flooding and reduce pipe velocity. No significant change to erosion and sedimentation is anticipated. All appropriate erosion control and best management practices will be instituted during construction to reduce the risk for erosion or sedimentation. By replacing the undersized pipe, the crossing is expected to have improved function.**

15. The extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards.

**N/A- there is no current of wave energy project in this area.**

16. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights. For example, an applicant who owns only a portion of a wetland shall document the applicant's percentage of ownership of that wetland and the percentage of that ownership that would be impacted.

**This project will address roadway drainage. The abutting property owners would have no need to address the drainage of Route 106. In addition, the impacts to the wetlands will be very minor in nature and will actually improve the functioning of this crossing and prevent potential for future flooding.**

17. The impact of the proposed project on the values and functions of the total wetland or wetland complex.

**The proposed wetland impacts are very small and are not expected to have any lasting impact on the functions or values of the wetland complex. The removal of the currently clogged pipe and replacement with a larger more appropriately sized pipe is expected to improve the connectivity of the two wetlands that are divided by Route 106.**

18. The impact upon the value of the sites included in the latest published edition of the National Register of Natural Landmarks, or sites eligible for such publication.

**The project will have no impact on eligible or listed sites.**

19. The impact upon the value of areas named in acts of congress or presidential proclamations as national rivers, national wilderness areas, national lakeshores, and such areas as may be established under federal, state, or municipal laws for similar and related purposes such as estuarine and marine sanctuaries.

**The project will have no impact on the above mentioned resources.**

20. The degree to which a project redirects water from one watershed to another.

**The project overall will not result in redirection of water from one watershed to another. The project does not significantly change existing drainage patterns. By replacing the undersized clogged pipe with a more appropriately sized pipe there will be improved connectivity between the two wetlands.**

Additional comments



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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**To:** Rebecca Martin, NH DOT  
7 Hazen Drive  
PO Box 483  
Concord, NH 03302

**From:** NH Natural Heritage Bureau

**Date:** 2/8/2016 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 2/1/2016

**NHB File ID:** NHB16-0304

**Applicant:** Rebecca Martin

**Location:** Belmont, Laconia

Project 40423: 5.0 miles of NH Route 106, 0.8 miles of US Route 3 (Laconia Bypass) and six ramps

**Project**

**Description:** 40423: Rehabilitate 5.0 miles of NH Route 106 pavement, preserve the pavement on 0.8 miles of US Route 3 (Laconia Bypass) and six ramps, and to rehabilitate bridges 113/080 (NH Route 106 over the Tioga River), 132/027 (NH Route 106 over US Route 3), and 136/027 (US Route 3 over NH Route 107). The project proposes to address deficiencies of NH Route 106 from just north of Perkins Road in Belmont to just south of Grant Street in Laconia and of the Laconia Bypass from around 1000 feet east of the Mile Hill Road intersection to just east of the Growth Road intersection.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

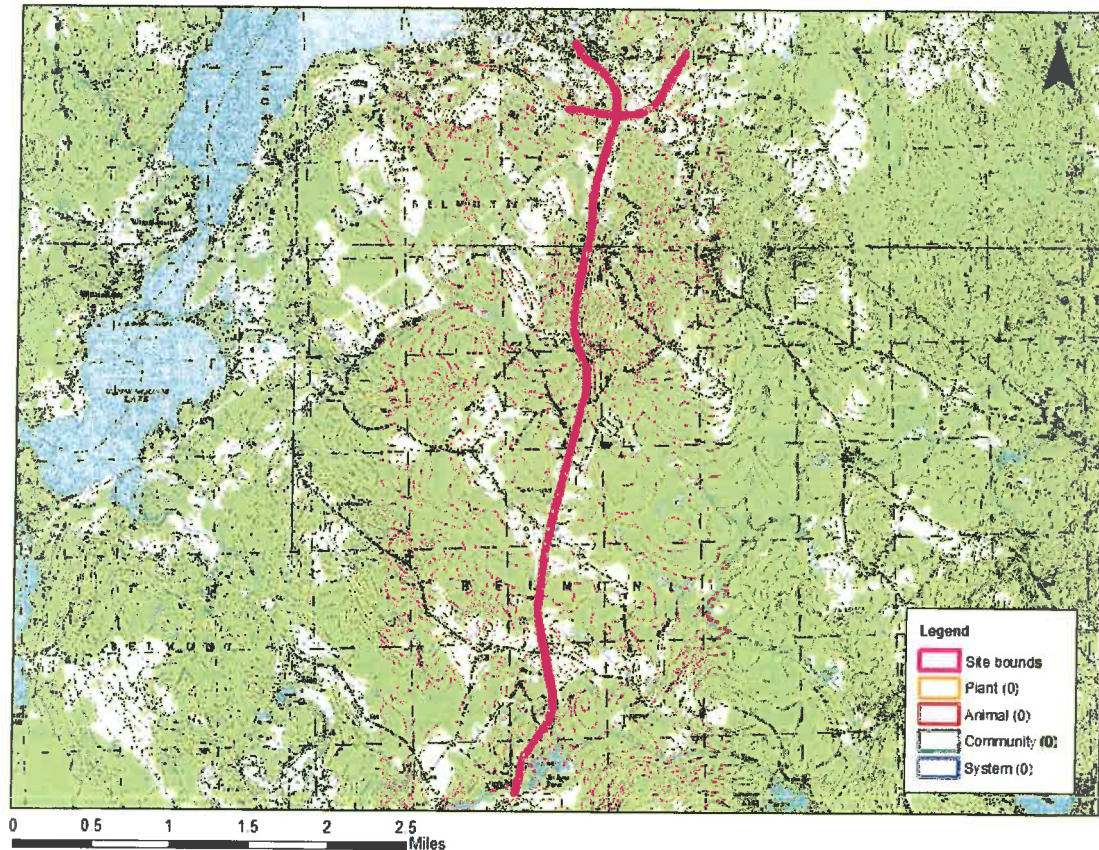
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 2/1/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB16-0304**

**NHB16-0304**





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 COMMERCIAL STREET, SUITE 300  
CONCORD, NH 03301  
PHONE: (603)223-2541 FAX: (603)223-0104  
URL: [www.fws.gov/newengland](http://www.fws.gov/newengland)

Consultation Code: 05E1NE00-2016-SLI-0915

February 05, 2016

Event Code: 05E1NE00-2016-E-01251

Project Name: 40423 Belmont Laconia

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: 40423 Belmont Laconia

## Official Species List

### Provided by:

New England Ecological Services Field Office

70 COMMERCIAL STREET, SUITE 300

CONCORD, NH 03301

(603) 223-2541

<http://www.fws.gov/newengland>

**Consultation Code:** 05E1NE00-2016-SLI-0915

**Event Code:** 05E1NE00-2016-E-01251

**Project Type:** TRANSPORTATION

**Project Name:** 40423 Belmont Laconia

**Project Description:** The purpose of the proposed project is to rehabilitate 5.0 miles of NH Route 106 pavement, preserve the pavement on 0.8 miles of US Route 3 (Laconia Bypass) and six ramps, and to rehabilitate Bridge 113/080 (NH Route 106 over the Tioga River), Bridge 132/027 (NH Route 106 over US Route 3), and Bridge 136/027 (US Route 3 over NH Route 107). The project proposes safety improvements at the Brown Hill Road intersection, consisting of addition of a right turn lane and addition of a bypass shoulder.

**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: 40423 Belmont Laconia

### Project Location Map:



**Project Coordinates:** The coordinates are too numerous to display here.

**Project Counties:** Belknap, NH



United States Department of Interior  
Fish and Wildlife Service

Project name: 40423 Belmont Laconia

## Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Flowering Plants	Status	Has Critical Habitat	Condition(s)
Small Whorled pogonia ( <i>Isotria medeoloides</i> )	Threatened		
<b>Mammals</b>			
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: 40423 Belmont Laconia

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.

**Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA)  
Range-wide Programmatic Informal Consultation for  
Indiana Bat and Northern Long-eared Bat**

Project Submittal Form for FHWA, FRA, and Transportation Agencies

*Updated June 23, 2015*

In order to use the programmatic informal consultation to fulfill Endangered Species Act consultation requirements, transportation agencies must use this form to submit project-level information for all may affect, not likely to adversely affect (NLAA) determinations to the appropriate U.S. Fish and Wildlife Service (Service) field office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide.

In submitting this form, the transportation agency ensures that the proposed project(s) adhere to the criteria of the range-wide programmatic informal BA. Upon submittal of this form, the appropriate Service field office may review the site-specific information provided and request additional information. If the applying transportation agency is not notified within 14 calendar days of emailing the Project Submittal Form to the Service field office, it may proceed under the range-wide programmatic informal consultation.

Further instructions on completing the form can be found by hovering your cursor over each text box.

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1. Date: 1/12/2016

2. Lead Agency: FHWA

*This refers to the Federal governmental lead action agency initiating consultation; select FHWA or FRA as appropriate*

3. Requesting Agency: NH DOT

a. Name: Rebecca Martin

b. Title: Environmental Manager

c. Phone: 603-271-6781

d. Email: [rmartin@dot.state.nh.us](mailto:rmartin@dot.state.nh.us)

4. Consultation Code<sup>1</sup>: 05E1NE00-2015-SLI-1878

5. Project Name(s): Belmont Laconia 40423

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<sup>1</sup> Available through IPaC System Official Species List: <https://ecos.fws.gov/ipac/>

6. Project Description:

*Please attach additional documentation or explanatory text if necessary*

The project proposes pavement and bridge rehabilitation on 5 miles of NH 106 and 0.8 miles of US3/NH11 (Laconia Bypass) in the Town of Belmont and the City of Laconia. Project limits on NH106 are from a pavement joint just north of Perkins road to the Laconia Urban Compact (just south of Grant St). Project limits on the Bypass are from 0.25 miles west of NH 106 to 0.55 miles east of NH 106. The project also includes 4 ramps at the Bypass/ NH106 interchange and 2 ramps from the Bypass to NH 107. Pavement work on NH 106 consists of varying treatments including reclaiming and repaving, inlay/ overlay, and pavement replacement. Pavement work on the Bypass consists of a 1/2" levelling course and a 3/4" overlay, full width. Ramps will receive a 1" inlay. Bridges included in the project are: 113/080 (NH 106 over Tioga River), 132/027 (NH106 over the Bypass), and 136/027 (Bypass over NH 107). Bridge work proposed includes partial and/or full depth deck repair, pavement and membrane replacement, coping repair, and bridge approach rail replacement or adjustment. Guardrail work will include repair, rehabilitation, or replacement, with some changes in length of runs. Drainage work will consist of adjustment / replacement of grates, minor pipe replacements, addition of drainage inlets, headwall repairs, and embankment stabilization at pipe outlets. A widened shoulder and right turn lane are proposed at the Brown Hill Road intersection, along with installation of a small stormwater treatment area. Shoulder levelling and minor slope work is also proposed. +

7. Other species from Official Species List:

✓ No effect – project(s) are inside the range, but no suitable habitat – see additional information attached. The Small Whorled Pogonia is also on the Official Species List, the project is within the ROW, except at the Brown Rd intersection, and not in appropriate SMP habitat. May Affect – see additional information provided for those species (either attached or forthcoming). SMP habitat is typically older hardwood stands or softwood stands. This species is associated with interior forest habitats, not roadside habitats.

8. For Ibat/NLEB, if Applicable, Explain Your No Effect Determination

No effect – project(s) are outside the species' range (*form complete*)

No effect – project(s) are inside the range, but no suitable summer habitat (*form complete*)

No effect from maintenance, alteration, or demolition of bridge(s)/structure(s) – results of inspection surveys indicate no signs of bats. (*form complete*)

No effect – other (*see Section 2.2 of the User's Guide – form complete*)

*Otherwise, please continue below.*

9. Affected Resource/Habitat Type

✓ Trees

✓ Bridge

Other Non-Tree Roosting Structure (e.g., building)

Other (please explain):

10. For Tree Removal Projects:

a. Please verify that no documented roosts or foraging habitat will be impacted and that project is within 100 feet of existing road surface: ✓

b. Please verify that all tree removal will occur during the inactive season<sup>2</sup>: ✓

c. Timing of clearing: NLEB inactive season (9/1 to 4/14), most clearing prior to 4/14/1

d. Amount of clearing: Small amounts for drainage and guardrail work.

More clearing around Brown Hill Road intersection for shoulder widening and storm water treatment basin construction.

11. For Bridge/Structure Work Projects:

a. Proposed work: Mostly bridge maintenance activities, SOW includes deck repair, pavement and membrane replacement, concrete patching, rail improvements, etc.

b. Timing of work: TBD

c. Evidence of bat activity on bridge/structure:

None known, will survey bridges no more than 7 days prior to work.

d. If applicable, verify that superstructure work will not bother roosting bats in any way: ✓

e. If applicable, verify that bridge/structure work will occur only in the winter months:

The project is eligible for review within the FHWA, FRA, USFWS Programmatic Consultation. The project has been determined to be Not Likely to Adversely Affect NLEB. This determination is due to clearing of potential NLEB habitat during the NLEB inactive season and a commitment to inspect the bridges prior to bridge work. If signs of bat utilization are noted, the work on the bridges will not proceed until coordination with USFWS is complete.

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<sup>2</sup> Coordinate with local Service field office for appropriate dates.

12. Please confirm the following:

Proposed project(s) adhere to the criteria of the range-wide programmatic informal BA (see Section 2.0). ✓

All applicable AMMs will be implemented, including<sup>3</sup>:

Tree Removal AMM 1: ✓

Tree Removal AMM 2: ✓

Tree Removal AMM 3: ✓

Tree Removal AMM 4: ✓

Bridge AMM 1:

Bridge AMM 2: ✓

Bridge AMM 3:

Bridge AMM 4: ✓

Structure AMM 1:

Structure AMM 2:

Structure AMM 3:

Structure AMM 4:

Lighting AMM 1:

Lighting AMM 2:

Dust Control AMM 1:

Water Control AMM 1: ✓

Water Control AMM 2: ✓

Water Control AMM 3: ✓

Water Control AMM 4: ✓

Water Control AMM 5:

Water Control AMM 6:

Wetland/Stream Protection AMM 1:

Wetland/Stream Protection AMM 2: ✓

Wetland/Stream Protection AMM 3: ✓

Wetland/Stream Protection AMM 4: ✓

Wetland/Stream Protection AMM 5: ✓

Wetland/Stream Protection AMM 6:

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<sup>3</sup> See AMMs Fact Sheet (Appendix B) for more information on the following AMMs.

## Rebecca A. Martin

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**From:** vonOettingen, Susi <susi\_vonoettingen@fws.gov>  
**Sent:** Wednesday, January 20, 2016 11:39 AM  
**To:** Rebecca A. Martin  
**Subject:** Re: Belmont Laconia 40423 NLEB Programmatic Consultation, Project Submittal Form-  
Not Likely to Adversely Affect

Thanks! I agree with your small whorled pogonia assessment.

Have you seen this species yet? We should take a tour in June or July!

Susi

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Susi von Oettingen  
Endangered Species Biologist  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301  
(W) 603-223-2541 ext. 6418  
*Please note my new extension.*

[www.fws.gov/newengland](http://www.fws.gov/newengland)

On Tue, Jan 12, 2016 at 10:57 AM, Rebecca A. Martin <[RMartin@dot.state.nh.us](mailto:RMartin@dot.state.nh.us)> wrote:

Good morning Susi,

Please find attached a Project Submittal Form for the FHWA and FRA Range-wide Programmatic Informal Consultation for Northern Long-Eared Bat. I have attached the Official Species List and a project area map for your reference. There are also two photos and one aerial view of the Brown Hill Road intersection, where shoulder widening and installation of a storm water treatment basin are intended.

The project is eligible for review within the FHWA, FRA, USFWS Programmatic Consultation as all clearing of potential NLEB habitat is within 100 feet of the roadway. The project has been determined to be Not Likely to Adversely Affect NLEB. This determination is due to clearing of potential NLEB habitat during the NLEB inactive season and a commitment to inspect the bridges prior to bridge work. If signs of bat utilization are noted during the bridge inspections, the work on the bridges will not proceed until coordination with USFWS is complete.

The Official Species List also notes the Small Whorled Pogonia as potentially occurring in this area. The project area is generally roadside habitat with one area at Brown Hill Road intersection that will include clearing some pine and does not conform to the description of the habitat where SWP is likely to grow. The SWP habitat is described on the USFWS SWP Fact Sheet as "Habitat - This orchid grows in older hardwood stands of beech, birch, maple, oak, and hickory that have an open understory. Sometimes it grows in stands of softwoods such as hemlock. It prefers acidic soils with a thick layer of dead leaves, often on slopes near small streams." The habitat that will be impacted by this project is patchy softwood forest on the edge of the road. This habitat is not the closed canopy open understory type habitat that is associated with the SWP. Please let me know if you have any questions or concerns.

Thank you,

Rebecca Martin

Environmental Manager

NH DOT Bureau of Environment

7 Hazen Drive

Concord, NH 03302

(603)271-6781

[rmartin@dot.state.nh.us](mailto:rmartin@dot.state.nh.us)

**U.S. Army Corps of Engineers**  
**New Hampshire Programmatic General Permit (PGP)**  
**Appendix B - Corps Secondary Impacts Checklist**  
**(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to "work" include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See PGP, GC 5 regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

<b>1. Impaired Waters</b>	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See <a href="http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm">http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm</a> to determine if there is an impaired water in the vicinity of your work area.*		x
<b>2. Wetlands</b>	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	x	
2.2 Are there proposed impacts to SAS, shellfish beds, special wetlands and vernal pools (see PGP, GC 26 and Appendix A)? Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) website, <a href="http://www.nhnaturalheritage.org">www.nhnaturalheritage.org</a> , specifically the book <u>Natural Community Systems of New Hampshire</u> .		x
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?	x	
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)	x	
2.5 The overall project site is more than 40 acres.		x
2.6 What is the size of the existing impervious surface area?	N/A	
2.7 What is the size of the proposed impervious surface area?	N/A	
2.8 What is the % of the impervious area (new and existing) to the overall project site?	N/A	
<b>3. Wildlife</b>	Yes	No
3.1 Has the NHB determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require a NHB determination.)	x	
3.2 Would work occur in any area identified as either "Highest Ranked Habitat in N.H." or "Highest Ranked Habitat in Ecological Region"? (These areas are colored magenta and green, respectively, on NH Fish and Game's map, "2010 Highest Ranked Wildlife Habitat by Ecological Condition.") Map information can be found at: <ul style="list-style-type: none"> <li>• PDF: <a href="http://www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm">www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm</a>.</li> <li>• Data Mapper: <a href="http://www.granit.unh.edu">www.granit.unh.edu</a>.</li> <li>• GIS: <a href="http://www.granit.unh.edu/data/downloadfreedata/category/databycategory.html">www.granit.unh.edu/data/downloadfreedata/category/databycategory.html</a>.</li> </ul>		x
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		x
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		x
3.5 Are stream crossings designed in accordance with the PGP, GC 21?		N/A

<b>4. Flooding/Floodplain Values</b>	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?		x
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?		N/A
<b>5. Historic/Archaeological Resources</b>		
If a minor or major impact project, has a copy of the Request for Project Review (RPR) Form ( <a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a> ) been sent to the NH Division of Historical Resources as required on Page 5 of the PGP?		N/A

\*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

**East of NH Route 106**

Existing 15" Pipe



Belmont 40423

Wetland Permit Impact Area Photos

15" RCP Replacement with 18" RCP Photos

R. Martin

Wetland area on east side of NH Route 106 where 15" RCP is located (taken from North of area)



Wetland area on east side of NH Route 106 where 15" RCP is located (taken from South of area)



West of NH Route 106

Existing 15" Pipe



Belmont 40423

Wetland Permit Impact Area Photos

15" RCP Replacement with 18" RCP Photos

R. Martin

Wetland area on west side NH Route 106 where 15" RCP is located (taken from North of area)



Wetland area on west side NH Route 106 where 15" RCP is located

